IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HON'BLE THE CHIEF JUSTICE MR.V.K.BALI
&
THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

MONDAY, THE 11TH DECEMBER 2006 / 20TH AGRAHAYANA 1928

WA.No. 142 of 2005()

AGAINST THE JUDGEMENT IN OP.3728/2001 Dated 22/11/2004
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APPELLANT: PETITIONER:

C.A.JOHNY,
CHIRIYANKANDATH HOUSE, MINALOOR P.O., THRISSUR.

BY ADV. SRI.P.RAMAKRISHNAN

RESPONDENTS: RESPONDENTS IN THE O.P:
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1. THE GENERAL MANAGER,
SITARAM TEXTILES LIMITED, THRISSUR.

2. THE LABOUR COURT, ERNAKULAM.

BY ADV. SRI.U.K.RAMAKRISHNAN
SRI.P.V.LOHITHAKSHAN
SRI.V.KRISHNA MENON

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 11/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

V.K. BALI, C.J. & C.N.RAMACHANDRAN NAIR, J.

W.A.No.142 of 2005

Dated, this the 11th day of December, 2006

JUDGMENT

V.K.Bali,C.J.(Oral)

The petitioner workman was involved in a theft. The departmental enquiry led to his dismissal. In the reference sought by the workman even though the enquiry report might have been set aside, but the management was given a fresh opportunity to lead evidence to prove his guilt which has been established before the Labour Court. The reference sought by the workman was thus rejected. This order was challenged in the writ petition which has been dismissed by the learned Single Judge vide order dated 22nd November, 2004 and it is this order that has been challenged in the present writ appeal.

2. There is absolutely no scope for interference as the findings with regard to the guilt of the appellant are question of facts and in our view the same have been appropriately discussed

by the concerned Labour Court and the findings returned by it have since been affirmed by the learned Single Judge.

No merits. Dismissed.

V.K. BALI,
CHIEF JUSTICE.

C.N.RAMACHANDRAN NAIR,
JUDGE.

vns